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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,662	11/12/2003	Kevin Kawakita		7716
65392	7590	12/13/2007	EXAMINER	
KEVIN KAWAKITA			DURNFORD GESZVAIN, DILLON	
5812 TEMPLE CITY BL.			ART UNIT	PAPER NUMBER
# 100			2622	
TEMPLE CITY, CA 91780				

  

MAIL DATE	DELIVERY MODE
12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/706,662	KAWAKITA, KEVIN
	<b>Examiner</b>	<b>Art Unit</b>
	Dillon Durnford-Geszvain	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-46 and 48-52 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-46 and 48-52 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/12/2003, 8/29/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

### ***Information Disclosure Statement***

2. The information disclosure statement filed 11/12/2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
3. The information disclosure statement filed 11/12/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it

is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

4. The information disclosure statement filed 11/12/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails to list any patents, publications or applications. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

The disclosure statement is not in compliance with 37 CFR 1.98 because it fails to disclose any relevant information. The only reference to any document is to a document titled "Hybrid Joint Photographers Group (JPEG)/ Moving Picture Experts Group (MPEG) Security Video Camera," labeled with an illegible document number and allegedly filed 4/16/2002. The Examiner cannot find any document filed by Applicant on that date in the record. The only document with that title filed by Applicant before the present application appears to be the provisional application filed by Applicant 11/12/2002.

***Claim Objections***

5. Claim **48** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. There is no claim **47** listed and therefore claim **48** does not limit any claim and is improper. Dependent claims must depend from an independent claim in some way.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims **1-6** and **48-52** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims **1-6** and **48-52** are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The claims are replete with grammatical and idiomatic errors. For example, claim

**6** recites the limitation "does micro-processor bus latch to discrete analog control circuitry lens motion." The Examine cannot understand, or even guess, what the preceding limitation is intended to be claiming. The claims are replete with this type of error and they need to be corrected in order for the Examiner to conduct a proper examination of the application.

9. The term "like" in claims **1, 2, 4, 5, 9, 10, 11, 14, 20, 25, 26, 31, 37, 38, 41, 42, 44** and **46** is a relative term which renders the claim indefinite. The term "like" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In the case of "MPEG X like" or "JPEG X like" it is unclear what "like" is intended to claim. Are all video encoding methods claimed or only anything using any MPEG standard? Likewise for the JPEG limitation.

10. The term "rapid" in claims **1, 20, 25, 37** and **41** is a relative term which renders the claim indefinite. The term "rapid" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term rapid is indefinite as it is completely unclear what it is rapid in comparison to or what speed rapid is in quantifiable units, such as meters/second.

11. The term "optimized" in claims **1, 6, 7** and **20** is a relative term which renders the claim indefinite. The term "optimized" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term

optimized is indefinite because it is unclear to what degree the parts are to be optimized. For example, is the lens optimized for video use in claim 1 the best possible lens for motion video use, or is it a lens that can simply be used for motion video use.

12. The term "high rate" in claims **1, 27, 43 and 46** is a relative term which renders the claim indefinite. The term "high rate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term high rate is indefinite as it is completely unclear what range the rate is in or what units it is being measure in.

13. The term "low rate" in claims **1, 20, 27, 37, 43 and 46** is a relative term which renders the claim indefinite. The term "low rate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term low rate is indefinite as it is completely unclear what range the rate is in or what units it is being measure in.

14. The term "very low rate" in claims **1, 20, 37 and 43** is a relative term which renders the claim indefinite. The term "low rate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term low rate is indefinite as it is completely unclear what range the rate is in or what units it is being measure in.

15. The term "much lower rate stream" in claim **14** is a relative term which renders the claim indefinite. The term "much lower rate stream" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term much lower rate stream is indefinite as it is completely unclear what range the rate is in or what units it is being measure in.

16. Regarding claims **1, 3, 4, 15, 17, 18, 20, 28, 32, 34, 35, 37, 44, 48, 50** and **51**, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

17. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "JPEG X" in claims **1, 2, 10, 11, 20, 21, 27, 28, 31, 37, 38, 43, 44** and **46** is used but does not have an accepted meaning in the art. The term is indefinite because the specification does not clearly redefine the term. It is unclear if the term is intended to inclusive of all JPEG standards, or if it is attempting to reference some other standard similar to JPEG but not defined by the Joint Picture Experts Group.

18. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine

the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “MPEG X” in claims **1, 2, 9, 10, 11, 14, 15, 20, 21, 27, 28, 31, 32, 37, 38, 43, 44, 46 and 48** is used but does not have an accepted meaning in the art. The term is indefinite because the specification does not clearly redefine the term. It is unclear if the term is intended to inclusive of all MPEG standards, or if the Applicant is attempting to reference some other standard similar to MPEG but not defined by the Motion Picture Experts Group.

19. Claims **1, 20, 25 and 41** recite the limitation of a gain-box. It is completely unclear from the specification or the claims what a gain-box is intended to claim. There does not appear to be any clear definition in the specification, nor does there appear to be any definition in the prior art.

20. Claims **1 and 20** recite the limitation of a hold-box. It is completely unclear from the specification or the claims what a hold-box is intended to claim. There does not appear to be any clear definition in the specification, nor does there appear to be any definition in the prior art.

21. Claim **1** recites the limitation "the H-Boxes" in line 16. There is insufficient antecedent basis for this limitation in the claim. Specifically, there is no recitation of any H-box previously.

22. Claim **5** recites the limitation "software algorithm" in line 4. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 8, recites the limitation "the analog to digital converter" in line 1. However, claim 1 recites at least three analog to digital converters and it is completely unclear which of these the limitation in claim 8 is referring to.

24. Claims 9 and 10 recite the limitation "visually unimportant information". It is completely unclear how the apparatus determines what is and is not important visual data. The term is not defined in the specification and its meaning is unclear.

25. Claims 14 and 31 recite the limitation "security level 1" in line 4 and line 3 respectively. There is insufficient antecedent basis for this limitation in the claim.

26. Claims 14 and 31 recite the limitation "entertainment level" in line 5 of each claim. There is insufficient antecedent basis for this limitation in the claim.

27. Claims 6 and 7 recite the limitation "and does micro-processor bus latch to discrete analog circuitry lens motion." The preceding limitation renders the claims indefinite as the Examiner cannot understand what the Applicant is claiming by that limitation.

28. Applicant is advised that the preceding rejections under 35 U.S.C. § 112 are not necessarily exhaustive and there may be other limitations that render the claims indefinite. The Applicant is advised that they should carefully review the claims in light of the preceding rejections.

29. The preceding rejections under 35 U.S.C. § 112 preclude a thorough examination of the claims on the merits because it is impossible to determine what the applicant regards as his invention. A lack of a prior art rejection does not indicate that the claim would be allowable if all of the rejections under 35 USC 112 were resolved. It

only means that the Examiner was not able to figure out what was intended to be claimed and therefore could not evaluate the allowability of the claims in any meaningful way.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 7,023,913 (Monroe), describes a security camera system that takes both motion and still images. US 5,659,654 (Nagasawa), describes a camera for taking both still and moving images. US 2002/0030749 (Nakamura), describes a camera for taking both still and motion images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Dillon Durnford-Geszvain

12/8/2007



TUAN HO  
PRIMARY EXAMINER